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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,518	12/15/2000	Martin Mayer	A-2496	2863
24131	7590	11/30/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			BURLESON, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,518

Applicant(s)

MAYER ET AL.

Examiner

Michael Burleson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Applicant's election of group I in the reply filed on 06/30/2004 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner finds no explanation of the build up of black in applicant's specification or drawings.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Decker et al. US 6281984.

Regarding claim 1, Decker et al. teaches that converting from $L^*a^*b^*$ to CMY is inverse gamut mapping (column 3, lines 41-45). Decker et al. teaches of converting CMYK to C'M'Y'K', which has the same $L^*a^*b^*$ values and is printed (column 8, lines 46-57). He teaches that the C'M'Y'K' combination for a given printer is $L^*a^*b^*$ to CMY to CMYK (column 8, lines 31-36). He also teaches that from CMYK, $L^*a^*b^*$ values are found (column 8, lines 60-65). This reads on a method of producing, from a first device-dependent image data set, a second image data set matched to a real process, which comprises, by using inverse gamut mapping, transforming color values from the first image data set into color values of a device-independent color space and, by using gamut mapping, transforming these device-independent color values into the second image data set of an output device.

Regarding claim 2, Decker et al. teaches that the device-dependent image data set is CMYK (column 8, lines 48-50), which reads on the device-dependent image data sets are CMYB image data sets.

Regarding claim 3, As best understood by the claim language, Decker et al. teaches that the device-dependent image data set is CMYK (column 8, lines 48-50), which reads on using a build up of black in the first image data set for producing the second image data set.

Regarding claim 4, As best understood by the claim language, Decker et al. teaches the K value is used to determine the K' value for the printer (column 9, lines 31-

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52), which reads on analyzing the build-up of black in the first image data set, and using it in identical form for the production of the second image data set, if the first and the second devices are based upon identical processes.

Regarding claim 5, As best understood by the claim language, Decker et al. teaches that the K value is used to determine the K' value for the printer (column 9, lines 43-46). He teaches that K and K' are mapped to each other in a region and that they will be matched best together and the error will be accepted (column 9, lines 56-67). This reads on analyzing the build-up of black in the first image data set and, for the output in accordance with the boundary conditions of the second device, setting the black build-up to the limits of the second device, if a direct transfer is not possible because of the process.

Regarding claim 7, Decker et al. teaches that the C'M'Y'K' combination for a given printer is L*a*b* to CMY to CMYK (column 8, lines 31-36), which reads on the device-independent image data sets are Lab image data sets.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Decker et al. US 6281984 in view of Chan US 5107332.

Regarding claim 6, Decker et al. teaches that converting from $L^*a^*b^*$ to CMY is inverse gamut mapping (column 3, lines 41-45). Decker et al. teaches of converting CMYK to C'M'Y'K', which has the same $L^*a^*b^*$ values and is printed (column 8, lines 46-57). He teaches that the C'M'Y'K' combination for a given printer is $L^*a^*b^*$ to CMY to CMYK (column 8, lines 31-36). He also teaches that from CMYK, $L^*a^*b^*$ values are found (column 8, lines 60-65). This reads on a method of producing, from a first device-dependent image data set, a second image data set matched to a real process, which comprises, by using inverse gamut mapping, transforming color values from the first image data set into color values of a device-independent color space and, by using gamut mapping, transforming these device-independent color values into the second image data set of an output device.

5. Decker fails to teach that the device-dependent image data sets are RGB image data sets.

6. Chan teaches of converting RGB to CMYK (column 3, lines 31-35 and figure 2), which reads on the device-dependent image data sets are RGB image data sets.

Decker et al. could have easily been modified to use the RGB image data sets of Vaughn et al. This modification would have been obvious to one skilled in the art at the time of the invention in order to convert a color space from one device to another.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson at (703) 305-8733. The examiner can normally be reached Monday thru Friday, 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone numbers for the organization where this application or proceeding is assigned are (7013) 872-9306 for regular communications and after final communications.

Any inquiry of a general nature or relation to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb

MARK WALLERSC
PRIMARY EXAMINER

MW